

REMARKS

Claims 31, 34 and 36 have been amended. Upon entry of this amendment, claims 15-41 will remain pending in the present application.

I. Assertion of Small Entity Status

The status of the applicants for the above-mentioned patent application has changed from large entity status to small entity status. Thus, the applicants hereby assert small entity status for the above-identified application.

II. Claim Amendments

Claim 31 has been amended to delete the final paragraph of the claim and to require that the method of claim 31 must be performed with the apparatus of claim 15. Claim 34 has been amended to recite the final paragraph of previous claim 31 which was deleted from previous claim 31 and claim 36 has been amended to recite the subject matter of previous claim 34.

III. The Restriction Requirement

Restriction has been required between the following inventions:

- I. Claims 15-30, drawn to applicators, and
- II. Claims 31-41 drawn to methods of performing anastomosis.

Applicant provisionally elects Group I, claims 15-30, drawn to applicators, with traverse. The restriction requirement is traversed for the reasons given below.

The basis for the restriction requirement was that the method, as claimed, could be performed with a materially different apparatus than the apparatus of claim 15. Method claims 31-41 have been amended to require that the method, as claimed, be performed using the apparatus of claim 15. Accordingly, the method claims, as amended, cannot be performed with a materially different apparatus than that claimed in claim 15, since the method claims now require that the method be performed with the apparatus of claim 15. Accordingly, withdrawal of the restriction requirement in view of the amendments is requested.

IV. Election of Species

The Examiner has also requested that the applicant elect one of the following species for further prosecution on the merits:

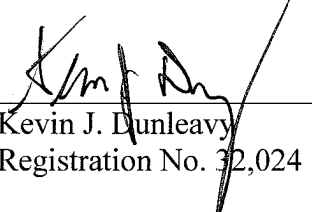
- I. Figures 1-6,
- II. Figures 7-12,
- III. Figures 13-15,
- IV. Figures 16-21,
- V. Figures 22-24,
- VI. Figures 25-27,
- VII. Figures 28-30,
- VIII. Figures 31-36, and
- IX. Figures 37-40.

First, it should be noted that Figures 1-12 and 16-21 depict connectors and thus are not species of the applicator of claims 15-30.

Second, the applicant hereby elects group VIII, the species of Figures 31-36 for further examination in the present application. Claims 15-41 are readable on the elected species.

An early action on the merits is respectfully requested.

Respectfully submitted,


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